

infants by supporting recruitment of and training for foster families. The Adoption Opportunities program is designed to promote adoption, eliminate barriers to adoption, and provide permanent, loving homes for children, especially children with special needs. Adoption promotion and post-adoption support are both critical components in successfully achieving the goals of the program and I am pleased that our bill reauthorizes these two programs as well.

We have an enormous responsibility to provide for some of our most vulnerable citizens—children who have been abused or neglected, victims of domestic violence and their children, children who have been abandoned, and those awaiting adoption. The programs reauthorized under S. 3817 represent some of the Federal Government's best approaches for addressing these issues and challenges and I am pleased to see this Chamber recognizing their importance.

I would again like to thank my colleagues for their work on this important bill and pledge to continue to do the work we need to and have the responsibility to do to prevent child abuse and neglect, and domestic and dating violence in this country.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JOHANNA'S LAW REAUTHORIZATION ACT

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 676, H.R. 2941.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2941) to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 2941

#### SECTION 1. REAUTHORIZATION AND ENHANCEMENT OF JOHANNA'S LAW.

(a) *IN GENERAL.*—Section 317P(d) of the Public Health Service Act (42 U.S.C. 247b-17(d)(4)) is amended—

(1) in paragraph (4), by inserting after “2009” the following: “and \$18,000,000 for the period of fiscal years 2012 through 2014”; and

(2) by redesignating paragraph (4) as paragraph (6).

(b) *CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.*—Section 317P(d) of such Act (42 U.S.C. 247b-17(d)), as amended by subsection (a), is further amended by inserting after paragraph (3) the following:

“(4) *CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.*—In carrying out the national campaign under this subsection, the Secretary shall consult with non-profit gynecologic cancer organizations, with a mission both to conquer ovarian or other gynecologic cancer and to provide outreach to State and local governments and communities, for the purpose of determining the best practices for providing gynecologic cancer information and outreach services to varied populations.”.

Mrs. GILLIBRAND. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2941), as amended, was read the third time and passed.

#### WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2009

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 219, S. 372.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 372) to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Whistleblower Protection Enhancement Act of 2009”.

#### TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

##### SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.

(a) *IN GENERAL.*—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i)—

(A) by striking “a violation” and inserting “any violation”; and

(B) by adding “except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties,” after “regulation,”; and

(2) in subparagraph (B)(i)—

(A) by striking “a violation” and inserting “any violation (other than a violation of this section)”; and

(B) by adding “except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties,” after “regulation,”.

(b) *PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(B)(9).*—

(1) *TECHNICAL AND CONFORMING AMENDMENTS.*—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214, in subsections (a), (e)(1), and (i) of section 1221, and in subsection (a)(2)(C)(i) of section 2302, by inserting “or section 2302(b)(9)(A)(i), (B)(i), (C), or (D)” after “section 2302(b)(8)” or “(b)(8)” each place it appears.

(2) *OTHER REFERENCES.*—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection (e)(1) of section 1221, by inserting “or protected activity” after “disclosure” each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

(i) by striking subparagraph (A) and inserting the following:

“(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

“(i) with regard to remedying a violation of paragraph (8); or

“(ii) with regard to remedying a violation of any other law, rule, or regulation;”;

(ii) in subparagraph (B), by inserting “(i) or (ii)” after “subparagraph (A)”.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

“(f) A disclosure shall not be excluded from subsection (b)(8) because—

“(1) the disclosure was made during the normal course of the duties of the employee;

“(2) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(ii);

“(3) the disclosure revealed information that had been previously disclosed;

“(4) of the employee or applicant's motive for making the disclosure;

“(5) the disclosure was not made in writing;

“(6) the disclosure was made while the employee was off duty; or

“(7) of the amount of time which has passed since the occurrence of the events described in the disclosure.”.

#### SEC. 102. DEFINITIONAL AMENDMENTS.

(a) *DISCLOSURES.*—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking “and” at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) ‘disclosure’ means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

“(i) any violation of any law, rule, or regulation, except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.”.

(b) *CLEAR AND CONVINCING EVIDENCE.*—Sections 1214(b)(4)(B)(ii) and 1221(e)(2) of title 5, United States Code, are amended by adding at the end the following: “For purposes of the preceding sentence, ‘clear and convincing evidence’ means the degree of proof that produces in the mind of the trier of fact a firm belief as to the allegations sought to be established.”.

#### SEC. 103. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

“This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information